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12 Attorneys for Plaintiff

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,) No.: CR 01-423 JSW
17 Plaintiff,) STATUS REPORT AND PARTIES'
18) STIPULATION AND ~~PROPOSED~~ ORDER
19) REQUESTING MAY 21, 2009 HEARING
DARRYL MCQUILLION,) BE VACATED
Defendant.)

20 The parties stipulate and agree, and the Court finds and holds, as follows:

21 1. The parties last appeared on February 12, 2009. At that time, the court set the following
22 dates: May 21, 2009 for hearing on defendant's motion(s); July 27 for pre-hearing conference,
23 and August 24 for trial.

24 2. Since the parties last appeared, plea negotiations have been ongoing. Further, the
25 government has been in contact with the prosecutor's office in Milwaukee, Wisconsin where the
26 defendant has a robbery charge pending. The parties are trying to effect a global resolution of all
27 matters but require additional time. The parties are optimistic that the matter will resolve
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without the need for trial. Neither party has filed any motions with the court.

3. The parties respectfully request that the May 21 hearing date be vacated and that the pre-hearing conference and trial dates be confirmed. If there is a resolution in the interim, the parties will request that the matter be added to calendar for change of plea purposes.

4. It is therefore the request of both parties that the matter be continued until July 27 for pre-hearing conference. Thus far, time has been excluded under the Speedy Trial Act (18 U.S.C. § 3161(h), et. seq.) up through May 21, 2009 for effective preparation of counsel. The parties request that this exclusion continue and that time be excluded through July 27, 2009.

SO STIPULATED.

DATED: May 20, 2009

Respectfully Submitted,

DATED: May 20, 2009

/s/
SUSAN R. JERICHE
Assistant United States Attorney

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: May 20, 2009

/s/
HAROLD ROSENTHAL
Counsel for Defendant

PURSUANT TO STIPULATION, IT IS SO ORDERED.

HON. JEFFREY T. WHITE
Judge, United States District Court

This matter remains on calendar for a pretrial conference on July 27, 2009. The parties are reminded to consult with this Court's Guidelines for criminal jury trials regarding the materials that must be filed two weeks before the pretrial conference.